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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,730	03/15/2002	Dennis Stamires	040864.04	1326

7590

11/20/2003

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EXAMINER

NGUYEN, CAM N

ART UNIT	PAPER NUMBER
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1754

DATE MAILED: 11/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/042,730

Applicant(s)

Stamires et al.

Examiner

Cam Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/21/03 (an amendment/response & a T.D)
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4, 5, and 9-28 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4, 5, 9-14, 17, 18, 22, 24, and 25 is/are allowed.
- 6) ☒ Claim(s) 28 is/are rejected.
- 7) ☒ Claim(s) 15, 16, 19-21, 23, 26, and 27 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 6 6) ☐ Other:

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DETAILED ACTION

1. Applicants' remarks and amendments, filed on August 21, 2003, have been carefully considered. Claims 1-3 & 6-8 have been canceled. Claims 10-11, 13, 15, & 23 have been amended. Claims 26-28 have been added.

Claims 4-5 & 9-28 are now pending in this application.

Terminal Disclaimer

2. The terminal disclaimer filed on August 21, 2003 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Pat. 6,440,887 B1 and U.S. Pat. 6,171,991 B1 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Objections

3. Claims 15-16, 19-21, 23, & 26-27 are objected to because of the following informalities:

- A. In claim 15, line 1, "The process for the preparation of" should be changed to --A process for preparing--.
- B. In claim 15, line 3, --of-- should be inserted before "between".
- C. In claim 16, line 1, "the preparation of" should be changed to --preparing--.
- D. In claim 19, line 2, --of-- should be inserted before "between".

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- E. In claim 20, line 2, --of-- should be inserted before “above”.
- F. In claim 21, line 2, --of-- should be inserted before “above”.
- G. In claim 23, line 1, “the preparation of” should be changed to --preparing--.
- H. In claim 23, line 6, “which” should be changed to --wherein said--.
- I. In claim 23, step (b), line 3, “other forms of thermally treated aluminum trihydrate,” should be deleted.
- J. In claim 26, line 2, “an aluminum source” should be deleted.
- K. In claim 27, line 2, “a magnesium source” should be deleted.

Appropriate correction is required.

Claim Rejections - 35 USC § 112 (Second paragraph)

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 28 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 28, line 1, recites the limitation “the pillaring anions”. There is insufficient antecedent basis for this limitation in the claim.

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Allowable Subject Matter

6. Claims 4-5 & 9-28 are not being rejected under the art rejection because they contain allowable subject matter. The following is the reasons for allowance of the claimed subject matter.

The prior art does not disclose or fairly suggest a process of preparing anionic clays which requires an aluminum source comprising two types of aluminum-containing compounds as specified in claims 16 & 23.

There is no motivation to combine the teachings of the references together.

Conclusion

7. Claims 4-5 & 9-28 are pending. Claims 15-16, 19-21, 23, & 26-27 are objected. Claim 28 is rejected. Claims 4-5, 9-14, 17-18, 22, & 24-25 are allowed.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Cam Nguyen, whose telephone number is (703) 305-3923. The examiner can normally be reached on M-F from 8:30 am. to 6:00 pm, with alternative Monday off.

The appropriate fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310 (before finals) and (703) 872-9311 (after-final).

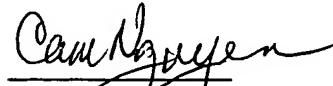
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Nguyen/cnn

cnn

November 18, 2003



Cam Nguyen

Primary Examiner

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